

RESOLUTION NO. 2016-994

RESOLUTION AMENDING THE FEE RATES

WHEREAS, Section 8801.161(a), Special District Local Laws Code, provides that the Board shall collect a permit fee from the applicant based on the term of the permit and the maximum amount of groundwater that the board authorizes to be withdrawn from the well; and

WHEREAS, Section 8801.161(a-1), Special District Local Laws Code, provides that the Board may establish a disincentive permit fee to serve as a regulatory tool by creating a disincentive to continued over-reliance on groundwater; and

WHEREAS, Section 8801.161(d), Special District Local Laws Code, provides that the Board may establish a fee for administrative acts of the district, including receiving applications for permits or permit amendments; and

WHEREAS, Section 8801.161(b), Special District Local Laws Code, provides that the rate of the fees collected by the Board shall be determined after a hearing held pursuant to the requirements of Section 8801.109, Special District Local Laws Code; and

WHEREAS, on August 10, 2016, at a regular meeting, the Board adopted Resolution No. 2016-991 calling a public hearing on September 14, 2016 at 10:00 a.m. at the office of the Subsidence District, 1660 West Bay Area Boulevard, Houston, Harris County, Texas, and notice of such hearing was duly given, delivered, mailed, published, and posted pursuant to Section 8801.110, Special District Local Laws Code; and

WHEREAS, in the case of *Beckendorff v. Harris-Galveston Coastal Subsidence District*, 558 S.W.2d 80 (Tex. Civ. App.--Houston [14th Dist.] 1977), *aff'd per curiam*, 563 S.W.2d 239 (Tex. 1978), the permit fees of the District were determined to be regulatory in nature in accordance with the District's regulatory purpose partly due to the fact that the District's permit fees are "intended to operate as an economic disincentive to groundwater withdrawal;" and

WHEREAS, the Board of Directors now wishes to revise the disincentive fee to reflect increases in related cost factors and comparable alternative water supply rates.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HARRIS-GALVESTON SUBSIDENCE DISTRICT THAT:

1. All statutory requirements and conditions for the establishment of permit fees and application fees have been met by the Board.
2. The Board of Directors hereby establishes a permit fee rate of \$22.00 per million gallons of authorized groundwater withdrawal.
3. The Board of Directors hereby establishes a disincentive permit fee rate equal to 200% of the City of Houston Contract Treated Water Service Charge without airgap between systems rate, plus the Premium Over Contract Minimum rate, per thousand gallons of authorized groundwater withdrawal, and index to that rate combination annually.
4. The Board of Directors hereby establishes the following application fee rates:
 - (a) Renewal Application Fee: \$60.00; and
 - (b) New Well Application Fee: \$240.00.
5. The disincentive permit fee rate is to be implemented and applied in accordance with this Resolution, the requirements of the 2013 District Regulatory Plan or any subsequent amendment or re-adoption of that plan, and other applicable Board policies or resolutions.
6. Any funds collected from the disincentive permit fee shall be accounted for and maintained separately from other funds of the District unless otherwise directed by Board action.
7. Any funds collected from the disincentive permit fee shall be expended by Board resolution or policy in accordance with the regulatory purposes of the District.

AND IT IS SO ORDERED.

PASSED AND ADOPTED ON THIS THE 14th DAY OF SEPTEMBER, 2016.

HARRIS-GALVESTON SUBSIDENCE DISTRICT

BY: 
Chairman

ATTEST:


Secretary